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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/536,478

05/24/2005

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71821

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23872 7590 07/09/2007

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SCARBOROUGH, NY 10510-9227

EXAMINER

TSIDULKO, MARK

ART UNIT

PAPER NUMBER

2875

MAIL DATE

DELIVERY MODE

07/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/536,478

Applicant(s)

BRESCIANI ET AL.

Examiner

Mark Tsidulko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-7 and 9-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-7 and 9-20 is/are rejected.
- 7) ☒ Claim(s) 21-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The submission of amendment filed on 5/1/2007 is acknowledged. At this point claims 1, 3, 7, 9, 10, 12, 14 have been amended, claims 2, 4, 8 have been canceled, new claims 16-23 have been added and the remaining claims left unchanged. Thus, claims 1, 3, 5-7, 9-23 are at issue in the instant application.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *transmitting and diffusing films* (claim 7) must be shown with reference characters or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1, 3 are objected to because of the following informalities:

Referring to Claim 1, while at least two optical functions form an optical guidance and one function includes converging light into a point and diverging light after the point (lines 3 and 4), it is unclear what is a second function.

Referring to Claim 3 *reflector, mirror, diffuser, etc.* (lines 2, 3) are not functions of light transfer, but devices providing light transfer.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 7, 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter “*transmitting and diffusing film*”, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The status of Claim 7 (i.e. if allowable or not) cannot be determined because of the vagueness of the claim

Claim 9 is rejected as claim depended on claim 7.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-18, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Shiraishi (US 6,211,944).

Referring to Claim 16 Shiraishi disclose (Fig.1) a lighting system including a light source [1], a first optical element [46] changing a path of light rays from the light source and a second optical element [7] changing a path of light rays from the first optical element, wherein first and second optical elements converge the light rays to a point, and then diverge the light rays after the point. Since the second optical element [8] diverges the light rays, the area of illumination in perspective inherently will be larger, than area of the second optical element.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5, 6, 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (US 5,134,550) in view of Kamihara et al. (US 6,095,667).

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Referring to Claims 1, 3, 5 Young discloses (Fig.1) a lighting system including a light source [26], which is regular light bulb (col.2, lines 49-66) radiating visible light, placed in a lower part of the system and two optical functions, such as light transferring from the light source to reflector [54] and light reflection by reflector [54]. As visible on Fig.1, light beams reflected from the inner mirror [22] of the pole [12] will be intersected in some point above the light source, and than will be diverged after the point of intersection and reflected from the reflector [54].

Also, regarding claim 3, please note, that *calculating a shape of the light transfer device* is a part of method of forming of the device, which is not germane to the issue of patentability of the device itself. Even though the claim(s) are limited by and defined by the recited process, the determination of patentability of the product is based on the product itself, and does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985). Therefore, these (i.e. method) limitations has not been given patentable weight.

Young disclose the instant claimed invention except for converging light into a point and then diverging light after the point.

Kamihara et al. disclose (Fig.1) an illuminating system including an ellipsoidal reflector [2] converging light into a point and then diverging light after the point, which is, as well known in the art, a focal point of the reflector. This allows obtaining even light distribution all reflected light beams after the point.

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Referring to Claim 6 Young discloses (Fig.1) light incorporated in the structure of the lighting system.

Referring to Claim 9, as best understood, Young discloses (Fig.1) a lighting system in which a holding structure includes a special material (high reflective coating, see col.2, line 47), light is dispersed along the path of the periscope optical guidance and then dispersed from the reflector [54] also having high reflective coating (col.3, lines 41-45).

Referring to Claim 10 Young discloses (Fig.1) a lighting system in which a light source is inside of the optical guidance.

Referring to Claim 11 Young discloses (Fig.1) a reflector [46] associated to the light source and acting as a first optical function (transmitting light from the light source).

Referring to Claim 12 Young discloses (Fig.1) a lighting system including a tubular standard [12] houses a light source in the lower part. The light source could be replaced through the door [34].

Referring to Claim 13 Young discloses (Fig.1) a second reflector [54] deviating the light downwards out of the pole.

Referring to Claim 14 Young discloses (Fig.1) a light source [26] and reflector [46] placed in a hollow pole having an upper window turned upwards for the exit of the beam generated from the light source and deviated from the reflector [46].

Referring to Claim 15 Young discloses (Fig.1) a standard [12] connected to the supporting base [16] and having a second reflector [54] for deviating downwards the light streaming out from the window at upper end of the standard.

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It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the device of Yang having reflector of Kamihara et al., in order to even light distribution all reflected light beams.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraishi (US 6,211,944).

While Shiraishi does not disclose the type of area of illumination, one having ordinary skill in the art, would have recognized, that any desired area could be illuminated, using a light source and first and second optical elements of the device of Shiraishi.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the illumination of any desired area, using the light source and the optical elements of the device of Shiraishi.

Allowable Subject Matter

Claims 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to Claim 21 the prior art of record fails to show a lighting system including a light source, a first optical element changing a path of light rays from the light source and a second optical element changing a path of light rays from the first optical element, wherein first and second optical elements converge the light rays to a point, and then diverge the light rays after the point and a tubular stand including a cylindrical surface having a light transmission

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cavity, wherein a light source and a first optical element are arranged in the tubular stand and a second optical element is arranged at the second end of the stand.

Claims 22 and 23 are objected, as claims depended on claim 21.

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Yang in view Kamihara et al. and Shiraishi include limitations of amended claim 1 and new claim 16.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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M.T.

/Stephen F. Husar/
Primary Examiner

July 1, 2007